

Exhibit 12

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary
Judgment as to Defendant Dey

NO. GV002327
THE STATE OF TEXAS) IN THE DISTRICT COURT
EX REL.)
VEN-A-CARE OF THE)
FLORIDA KEYS, INC.,)
PLAINTIFF(S),)
VS.) TRAVIS COUNTY, TEXAS
DEY, INC.; ROXANE)
LABORATORIES, INC., WARRICK)
PHARMACEUTICALS CORPORATION,)
SCHERING-PLOUGH CORPORATION,)
AND SCHERING CORPORATION,)
DEFENDANT(S).) 53RD JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT FRANCIS MOZAK
NOVEMBER 6TH, 2002
VOLUME 3

ORAL AND VIDEOTAPED DEPOSITION OF ROBERT FRANCIS
MOZAK, PRODUCED AS A WITNESS AT THE INSTANCE OF THE
PLAINTIFF(S), AND DULY SWORN, WAS TAKEN IN THE
ABOVE-STYLED AND NUMBERED CAUSE ON NOVEMBER 6TH, 2002,
FROM 9:11 A.M. TO 5:01 P.M., BEFORE CYNTHIA VOHLKEN,
CSR IN AND FOR THE STATE OF TEXAS, REPORTED BY MACHINE
SHORTHAND, AT THE OFFICES OF COUDERT BROTHERS, 600
BEACH STREET, SAN FRANCISCO, CALIFORNIA PURSUANT TO
THE TEXAS RULES OF CIVIL PROCEDURE.

1 SERVICES, RED BOOK AND MEDI-SPAN, AND WE ALSO DID NOT
2 NOTIFY THE STATES TO THE BEST OF MY KNOWLEDGE OF ANY
3 WAC INCREASE AT THAT POINT IN TIME. SO I CAN'T ANSWER
4 THE QUESTION OF WHETHER THERE WAS TRULY AN INCREASE IN
5 ANY KIND OF REIMBURSEMENT DURING THAT SIX -- SIX-MONTH
6 PERIOD OF TIME.

7 Q. (BY MR. WINTER) DO YOU KNOW IF OTHER
8 MEDICAID -- IF MEDICAID AUTHORITIES, THE 50 STATES,
9 PAID OFF OF PRICES REPORTED TO FIRST DATABANK OR
10 PRICES REPORTED IN RED BOOK AND MEDI-SPAN?

11 A. IT'S MY UNDERSTANDING, AND I'VE SEEN IT
12 SOMEWHERE BUT I CAN'T SAY EXACTLY, THEY LOOKED AT ALL
13 THREE DATA BANK -- DATA -- DATA PRICE SERVICES.

14 Q. DO YOU KNOW WHERE YOU GOT THAT UNDERSTANDING?

15 A. I CAN'T RECALL SPECIFICALLY. I REMEMBER
16 READING IT IN -- I THINK IT WAS A DOCUMENT FROM THE
17 STATE, BUT I -- I CAN'T BE SPECIFIC AS TO WHERE OR
18 WHEN I READ THAT.

19 Q. DO YOU KNOW WHICH STATE?

20 A. I BELIEVE IT WAS TEXAS.

21 Q. YOU DON'T KNOW WHAT THE TITLE OF THIS
22 DOCUMENT WAS?

23 A. NO, I CAN'T RECALL. NO, I CAN'T RECALL.

24 Q. WELL, YOU STARTED TO TELL US -- WELL, STRIKE
25 THAT.